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May 18, 2010

VIA ECF

Hon. James Gwin
United States District Judge
Carl B. Stokes United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113-1838

Re: Serin v. Northern Leasing,
Southern District of New York - Docket No. 7:06-CV-01625

Dear Judge Gwin:

By order of April 16, 2010, Your Honor directed Defendants to produce all documents covered by that order by April 23. In the conference of April 20, 2010, Defense counsel represented that Defendants could not do so by April 23, but would produce all the documents by April 30, 2010.

Nevertheless, we have still not received all the documents as of today, despite repeated requests from us - and repeated promises by Defendants.¹

Further, in the April 20th conference, Your Honor specifically rejected Defense counsel's contention that the April 16th order did not cover emails, and directed Defendants to produce, *inter alia*, all emails of the named individual defendants, and all email communication with the ISOs involved, in readable and searchable format.

Nevertheless, we have not received any such emails as of today, and Defendants' counsel has refused to even give us a specific date for such production.

¹Defendants produced a CD with some categories of documents on Friday, May 14, 2010; we are in the process of reviewing these documents, and reserve Plaintiffs' rights in that regard.

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As Your Honor is aware, depositions are scheduled to be completed by June 30, 2010. Obviously, we cannot take Defendants' depositions until we receive all the documents which have been ordered to be produced.

Accordingly, we request that Your Honor enter an order requiring Defendants to produce, forthwith and no later than Friday, May 21, 2010, all the above emails (i.e., emails of the individual defendants, and all email communication with the ISOs involved), in searchable and readable format, for the time period as specified in the earlier order of April 16, 2010 (Dkt. 57). The order should also provide that upon Defendants' failure to so produce, their Answer shall be stricken and/or that they shall be precluded from presenting any evidence at trial

Thank you for your attention.

Yours very truly,

Sd/

Krishnan S. Chittur, Esq.
Attorneys for Plaintiffs